unless otherwise provided by statute officers, to whom is delegated the duty of keeping the streets in repair, are liable in damage to those injured by their neglect. *Bennett* v. *Whitney*, 94 N. Y. 302; *Amy* v. *Supervisors*, 11 Wall. 136; *Tearney* v. *Smith*, 86 Ill. 391; *Shear & R. Neg.* (5th ed.) Sec. 313.

Similar provisions are contained in the constitutions of many states, and are to the intent that courts must afford a remedy for every wrong that is recognized by the law of the land. *Landis v. Campbell*, 79 Mo. 433; *Flanders v. Town of Merrimack*, 48 Wis. 567; *Fitzpatrick v. Slocum*, 89 N. Y. 358.

MUNICIPAL CORPORATIONS—GRANTING OF FRANCHISE TO A WATER COMPANY—SUBSEQUENT REDUCTION OF RATES BY ORDINANCE—FREEPORT WATER COMPANY V. CITY OF FREEPORT. 21 SUP. CT. 493.—Under a statutory provision the defendant had enacted an ordinance giving to the plaintiff company the exclusive right to supply the City of Freeport with water for thirty years. The statute provided that "the rates to be charged shall be such as may be fixed by ordinance." The ordinance granting the charter fixed the rates, but subsequently the city passed another which substantially reduced them. *Held*, that such an ordinance did not violate the United States Constitution, as impairing the obligation of a contract. White, Brown, Brewer, and Peckham, J. J., dissenting.

The above decision centered around the words of the statute, "rates — — — — fixed by ordinance," i. e.; whether they were to be construed to mean fixed by ordinance, once for all to endure during the whole period of thirty years; or fixed by ordinance from time to time as might be deemed necessary. It is elementary that the power of a municipal corporation to grant exclusive privileges must be conferred by explicit terms. *Detroit Citizens' Street R. Co. v. Detroit R. Co.*, 171 U. S. 48. Following out this principle, the majority of the court maintained that if the power given to the municipalities of the state had been intended to have but one exercise, and, having exercised it, the municipalities were to be bound for thirty years, it would have been plainly so expressed in the statute.

MUNICIPAL CORPORATIONS—IMPROVEMENT ORDINANCE—SUNDAY PUBLICATION—DUMARS ET AL. V. CITY OF DENVER ET AL., 65 PAC. 580 (COLO.).—Where a city charter provided that no ordinance should take effect until published in some newspaper, *held* that one publication, in a Sunday newspaper, of an ordinance authorizing the construction of a sewer, being in the nature of service of process, was of no effect and rendered void all the proceedings which followed it.

At common law no judgment could be rendered or process awarded by a court on Sunday. *Swan v. Broome*, 3 Burrow 1595; *Hiller v. English*, 4 Strob. L. 486. Whether or not civil processes and summons may be issued on Sunday depends upon whether the particular state has adopted the statute 29 Car. II c. 7. In Ohio, the statute 29 Car. II c. 7 is not in force, and hence the publication in a Sunday newspaper of an ordinance with respect to a street improvement, such ordinance being a civil process, is valid. *Hastings v. City of Columbus*, 42 Ohio St. 585. The present decision follows. *Ormsby v. City of Louisville*, 79 Ky. 197. See also *Schwed v. Hartwitz*, 23 Colo. 187; *Scammon v. Chicago*, 40 Ill. 296: *McLaughlin v. Wheeler*, 50 N. W. 834.